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**Date:** 6/30/2004 7:05:11 AM  
**Subject:** Mine Plan Determination - Willow Creek

Attached is OSM's final decision regarding the need for a Mining Plan Modification for the above subject.

The previous Mine Plan Determination for Sealing South Portals at the SUFCO mine was sent out in error. This Mine Plan Determination is still under review by OSM, BLM, and the USFS.

In accordance with the Federal regulations under 30 CFR 740.13(d), other Federal agencies that may have an interest in, or jurisdiction over, the above subject operation have also been notified of OSM's decision electronically.

No responses to this transmittal are necessary

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**CC:** "Mitchell Rollings" <MROLLING@osmre.gov>, "Ranvir Singh" <RSINGH@osmre.gov>

UT-0000

June 28, 2004

Utah Division of Oil, Gas, & Mining  
Coal Regulatory Program  
1594 West North Temple, Suite 1210  
P.O. Box 145801  
Salt Lake City, Utah 84114-5801

RE: Plateau Mining Corporation - "Willow Creek" mine - Application for a Permit Revision,  
Gravel Canyon Reclamation Scenarios

Dear Sir or Madam:

This in response to the Utah Division of Oil, Gas, & Mining's (UT-DOGM) June 22, 2004, request for a decision, under 30 CFR 944.30, whether the above subject permit revision constitutes a mining plan modification.

Mining plan approvals by the Secretary of the Interior are required under the Mineral Leasing Act of 1920, 30 U.S.C. 181, *et seq.* before coal mining can occur on Federal lands. This letter serves to document OSM's determination whether or not a mining plan approval from the Secretary is required for the above permitting action.

OSM's review of the Application for a Permit Revision, Gravel Canyon Reclamation Scenarios, has determined that it presents three separate reclamation options for the Gravel Canyon topsoil pile at the Willow Creek mine, Utah State permit C/007/038. The reclamation options involve between 97,093 and 37,078 cubic yards of material depending upon whether or not the mine site area can generate a sufficient volume of material to satisfy the highwall backfilling plan.

Based on a review of the activities associated with the permit revision, OSM has determined that the proposal does not meet the requirements of 30 CFR 746.18(d). Therefore, the proposed permit revision does not constitute a mining plan action requiring Secretarial approval.

OSM's decision was based solely upon the Federal regulations under 30 CFR PART 746 and not the technical aspects of the revision application itself. Consequently, OSM's decision does not relieve UT-DOGM from coordinating the review and approval of the Application for a Permit Revision, Gravel Canyon Reclamation Scenarios, with other Federal agencies for compliance with other Federal regulations.

OSM also electronically transmitted the June 22, 2004 request to the Bureau of Land Management and the U.S. Forest Service for their review and comment.

In an electronic transmittal dated June 24, 2004, the U.S. Forest service stated it had no comments regarding the application for a permit revision.

In an electronic transmittal dated June 24, 2004 the Bureau of Land Management state that it did not believe that the application for a permit revision constituted a Mining Plan Modification.

Please notify the applicant of our decision on this matter.

Should you have any questions regarding this letter or approval, please contact Carl R. Johnston, Utah Federal Lands coordinator, at (303) 844-1400, extension 1500.

Sincerely,

Ranvir Singh  
Manager, Northwest Branch

cc: Denver Field Division